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STATE OF ILLINOIS)
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COUNTY OF C O O K) SS

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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OCT 03 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for an on behalf
of the People of the State of Illinois,

- Petitioner

vs.

THE BURLINGTON NORTHERN AND SANTA
FE RAILWAY COMPANY, Successor to The Chi-
cago, Santa Fe and California Railway Company;
and

UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging
of certain properties owned by a public utility in
Cook County, Illinois by exercising the right of
eminent domain

Case No. 702-0100

Parcel No. OEP0009PE
 OEP0009TE

Job No. R-90-011-01

PETITION FOR APPROVAL TO TAKE PROPERTY

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a
Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102 of
the Eminent Domain Act of Illinois (735 ILCS 5/7-102) (West 2000), requests approval of the

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Illinois Commerce Commission for the taking and/or damaging of certain properties owned by THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, Successor to The Chicago, Santa Fe and California Railway Company, (the "Railroad"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1 Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, West 2000), Petitioner is engaged in the construction and improvement of the interchange of I-55 and Central Avenue in Cook County.

2 Under the Illinois Highway Code, I-55 (FAI 55) is a part of and included in the State Highway System.

3 Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, West 2000) provides:

"The Department, or its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4 The improvement of the interchange of I-55 at Central Avenue is a public improvement project. The improvement project constitutes a public purpose, namely construction and improvement of the interchange of I-55 at Central Avenue County in Cook County.

5 The Railroad is subject to the jurisdiction of the Commission.

6 The Railroad is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent to the interchange of I-55 at Central Avenue County in Cook County and the Petitioner has deemed it necessary to improve the roadways, structures and intersections at the interchange of I-55 at Central Avenue County in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7 Petitioner has been authorized to acquire a permanent easement for public highway purposes together with the right to permit others to use or operate, install, maintain, alter, repair, replace, renew, improve and remove other facilities and structures including but not limited to, underground communication lines, fiber optics, wire, or other means of electricity, voice data, video, digitized information, pipes and conduits, upon and beneath the surface of the said premises, and overhead wires, cables, and poles or other structures for the support of such facilities and structures to Parcel OEP0009PE, and a temporary construction easement to Parcel OEP0007TE for the period of three years from the date it takes possession of the easement area or upon completion of the construction project, whichever occurs first, legally described in Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the interchange of I-55 at Central Avenue County in Cook County for the use of the People of the State of Illinois.

8 The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Railroad although Petitioner has attempted to effect such an agreement, or the Petitioner has not otherwise been able

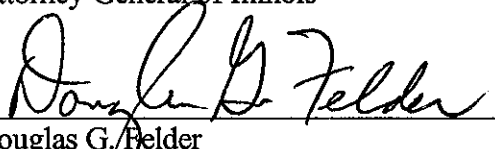
to acquire title to the property . Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9 Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Railroad's property described in Exhibit A.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above described real property of the Railroad by the exercise of the right of eminent domain.

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and
on behalf of the People of the State of Illinois

By: JAMES E. RYAN
Attorney General of Illinois

By: 
Douglas G. Felder
Special Assistant Attorney General

Douglas G. Felder
Douglas G. Felder, P.C.
Special Assistant Attorney General
55 West Monroe Street
32nd Floor
Chicago, Illinois 60603
312/634-3509

AFFIDAVIT OF SERVICE

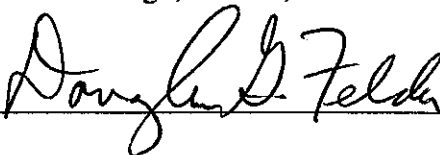
I, Douglas G. Felder, being first duly sworn, on oath, states that he served the foregoing Petition upon the following addresses at their respective addresses set forth:

VIA CERTIFIED MAIL AND U.S. MAIL

Illinois Commerce Commission
527 East Capital
Springfield, Illinois 62708
(original and three copies)

Burlington Northern and Santa Fe Railroad
c/o The Staubach Company
5650 North Riverside Drive - Suite 101
Fort Worth, TX 76137
Attention: Donald Bratton

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at Chicago, Illinois, before 5:00 p.m. on the 4th day of October 2002.



SUBSCRIBED and SWORN to
before me this ____ day of
October 2002

Notary Public

Exhibit A

Owner: The Burlington Northern and Santa Fe
Railway Company
Route: FAI 55 (I-55)
Section: Central Avenue
County: Cook
Job No. : R90-011-01
Parcel No.: OEP0009PE
Station 5+093.497 To Station 5+126.315
Index No.: 19-05-501-001

Parcel OEP0009PE

That part of the Southeast quarter of Section 5, Township 38 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, described as follows: Commencing at the Southeast corner of said Southeast quarter; thence on an assumed bearing of North 01 degree 35 minutes 06 seconds West, on the east line of said Southeast quarter, 1608.90 feet to the South Right of Way line of Burlington Northern and Santa Fe Railway, and to the point of beginning; thence South 66 degrees 39 minutes 26 seconds West, on said South Right of Way line, 67.83 feet; thence North 01 degree 35 minutes 06 seconds West, parallel with and 63.00 feet West of said east line, 107.67 feet to the North Right of Way line of said Burlington Northern and Santa Fe Railway; thence North 66 degrees 39 minutes 26 seconds East, on said North Right of Way line, 67.83 feet to said east line; thence South 01 degree 35 minutes 06 seconds East, on said east line, 107.67 feet to the point of beginning.

Said parcel containing 0.156 acre, more or less, 0.109 has been previously dedicated for public highway purposes.

January 11, 2002

20010928\par OEP0009PE

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PLATS & LEGALS



Owner: The Burlington Northern and Santa Fe
Railway Company
Route: FAI 55 (I-55)
Section: Central Avenue
County: Cook
Job No. : R90-011-01
Parcel No.: OEP0009TE
Station 5+090.213 To Station 5+123.031
Index No.: 19-05-501-001

Parcel OEP0009TE

That part of the Southeast quarter of Section 5, Township 38 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, described as follows: Commencing at the Southeast corner of said Southeast quarter; thence on an assumed bearing of North 01 degree 35 minutes 06 seconds West, on the east line of said Southeast quarter, 1608.90 feet to the South Right of Way line of ~~Burlington Northern~~ and Santa Fe Railway; thence South 66 degrees 39 minutes 26 seconds West, on said South Right of Way line, 67.83 feet to the point of beginning; thence continuing South 66 degrees 39 minutes 26 seconds West, on said South Right of Way line, 29.07 feet; thence North 01 degree 35 minutes 06 seconds West, parallel with and 90.00 feet West of said east line, 107.67 feet to the North Right of Way line of said ~~Burlington Northern~~ and Santa Fe Railway; thence North 66 degrees 39 minutes 26 seconds East, 29.07 feet; thence South 01 degree 35 minutes 06 seconds East, 107.67 feet to the point of beginning.

Said parcel containing 0.067 acre, more or less.

January 11, 2002

20010928\par OEP0009TE

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PLATS & LEGALS


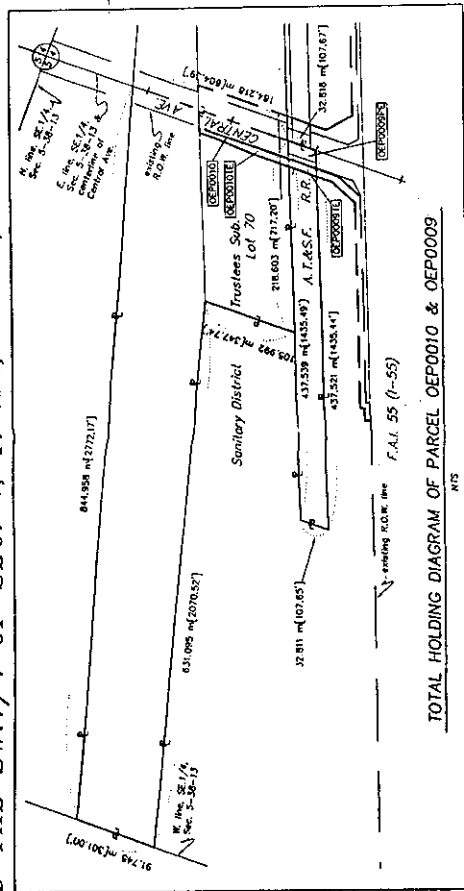
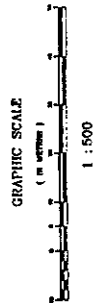
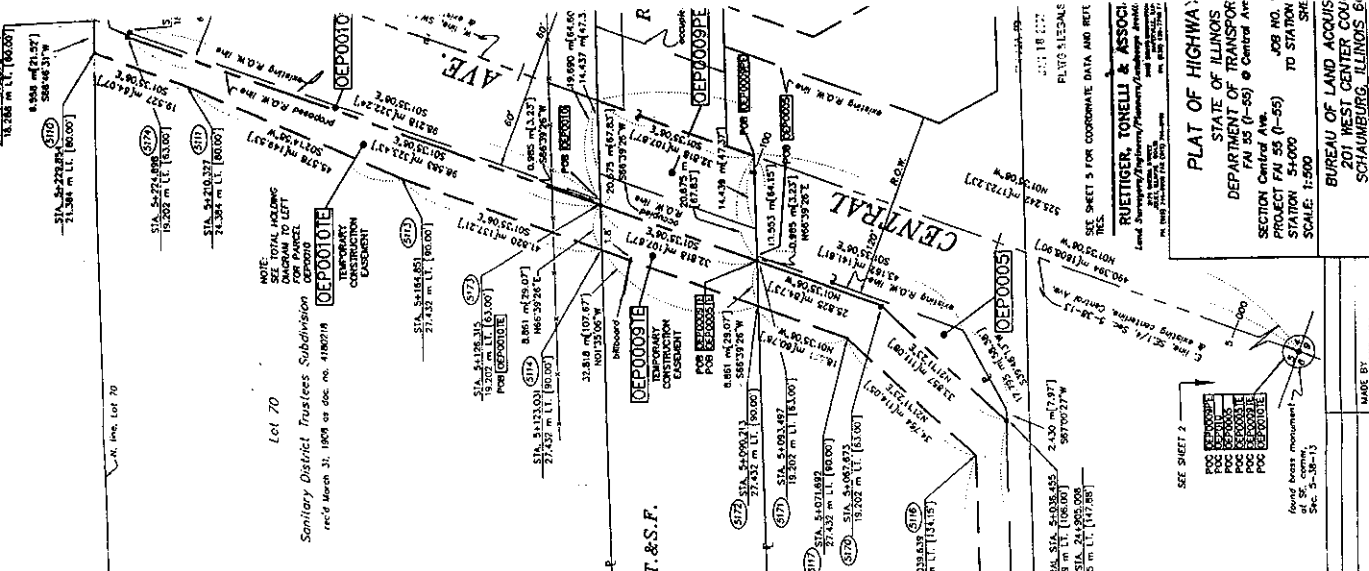


Exhibit B

[illegible][illegible]

TOTAL HOLDING DIAGRAM OF PARCEL OEP0010 & OEP0009



F.A.I. 55 (I-55)

APPLICANT	OWNER	TOTAL ACRES m ²	PART ACRES m ²	REMANOINT ACRES m ²	SEV. ACRES m ²	EASEMENT ACRES m ²	EASEMENT PURPOSE	PERMANENT TAX INDEX NUMBER	PROPERTY ACQUIRED BY
00000	BURLINGTON NORTHERN RAILWAY CO.	N/A	194 194	N/A	N/A	0.31 801	GRADING	19-05-400-011	
00008	THE BURLINGTON NORTHERN RAILWAY CO.	3.225 13328	N/A	3.225 13328	0.108 440	0.307 1260	GRADING	19-05-501-001	
00009	METROPOLITAN WATER REGULATION DISTRICT OF CHICAGO	24.400 86742	0.022 90	24.378 98552	N/A	0.185 748	GRADING	19-05-100-013	

[illegible]

DATE OF DEATH _____ A.D.

ILLINOIS PROFESSIONAL LAND SURVEYOR

THESE RESULTS CAN BE APPLIED TO THE DESIGN OF PROTECTIVE LOCATIONS FOR THE PROPOSED REACTOR.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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DATE

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